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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/702,548

11/07/2003

Naozumi Sugimura

520.43239X00

8219

20457 7590 03/02/2007
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EXAMINER

ALUNKAL, THOMAS D

ART UNIT

PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/702,548	Applicant(s) SUGIMURA, NAOZUMI	
	Examiner Thomas D. Alunkal	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 12, 13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12, 13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 6, 11, and 14 have been canceled.

Claims 1-5, 7-10, 12-13, and 15 are currently pending.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-10, 12-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitui et al (hereafter Mitui) (US 6,937,553).

Regarding claims 1, 7, 12, and 15, Mitui discloses a reproducing apparatus which reproduces information recorded on a recording medium, comprising a pickup which reads information including recording medium identity information, a first content, and a second content recorded on the recording medium (optical head, Column 6, lines 23-24), a reproducing signal processing circuit which reproduces the information read by the pickup (signal processing unit, reproducing medium ID information, Column 8, lines

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41-50), a memory which stores a plurality of recording medium identity information sets which have ever been processed by the reproducing signal processing circuit (Column 6, lines 7 and 12-14), and a controller which controls the reproducing apparatus (Column 8, lines 66-67), wherein said controller permits reproducing of the second content when the recording medium identify information stored in the memory satisfies a predetermined requirement (copy attribute, Column 6, lines 44-49, and Column 8, lines 28-38), and wherein the first content can be reproduced whether or not the recording medium identify information satisfies the predetermined requirement (Column 9, lines 4-15).

Regarding claim 2, Mitui discloses wherein said memory is detachable (flash memory card, Column 16, lines 27-31).

Regarding claim 3 and 8, Mitui discloses a program required for said processing is obtained from said recording medium (Column 16, lines 9-17).

Regarding claims 4 and 9, Mitui discloses said controller can obtain information from an external device via a network and a program required for said decision processing is obtained from the external device via the network (Column 11, lines 47-52, see public network 92 and communication adapter 93 in Figure 4).

Regarding claims 5, 10, and 13 Mitui discloses wherein said predetermined requirement includes a number of said recording medium identify information sets, stored in said memory, that are required to reproduce said second content (copy attributes Column 8, lines 28-40 and Column 6, lines 50-59).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oshima (US 5,699,331) discloses an apparatus operating with recording medium according to positional information of a secret code. Ishibashi et al (US 6,522,607) disclose a recording device and method to prevent unwanted use of information. Oshima et al (US 5,805,551) disclose a method and apparatus for preventing illegal copy or illegal installation of information of optical recording medium. Takagi (US 5,652,741) disclose a data storage apparatus having data and parity media. Fujinami et al (US 6,385,152) disclose a recording apparatus including write protect level determining procedure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Alunkal


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER